



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of

Lucke, Lori E. et. al.

Application No.: 10/078,496

Filed: February 21, 2002

For: Method and Apparatus for  
Controlling Fluid Pumps

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) Group Art Unit: 3746

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) Examiner: FREAY, CHARLES  
) GRANT

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) Confirmation No.: 4689  
)  
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**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

MAR 31 2004

TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action dated March 8, 2004, Applicants respectfully request reconsideration of the rejection of claims 30-50. The withdrawal of the previous grounds of rejection is noted with appreciation.

Claims 30-50 were rejected under the first paragraph of 35 U.S.C. §112, on the grounds that they were considered not to comply with the written description requirement of the statute. Specifically, the rejection alleges that the specification does not describe the step of "establishing a new setpoint for said operating parameter that corresponds to the reduced speed." Applicants respectfully traverse this contention.

At page 32, paragraph 00127, the specification provides an explanation of the Back Off Response Mode, as depicted in the flowchart of Figure 19. As stated therein, at step 1904 a determination is made as to whether the measured parameter exceeds a critical level. The description goes on to state: "If Yes, then control proceeds to step 1906, *where the speed setpoint of the pump is reduced to create a*

*new pump speed setpoint.*” It is respectfully submitted that this passage constitutes one example of a written description of the claimed language. One of ordinary skill in the art readily understands that a reduction in the speed setpoint will cause the speed of the pump to be reduced. This is confirmed by the remaining description of the Back Off Response Mode. For example, at page 33, lines 3-7, the specification states that, in response to an excess pressure alarm or excess flow rate alarm, the pump pod reduces the speed of the pump. Consequently, the reduced speed setpoint corresponds to the reduced speed of the pump. In this case, therefore, the “operating parameter” is the speed of the pump.

As further described in the specification, other operating parameters are also employed in the control of the pump. For instance, as recited in claim 37, the operating parameter can be fluid flow rate. The specification describes an embodiment in which the Flow Servo Mode and Back Off Response Mode operate in conjunction with one another. As described on page 36, paragraph 00137, when an excess flow rate condition is detected, the pump pod moves from the Flow Servo Mode into the Back Off Response Mode. As described previously, in this mode the system operates to reduce the speed of the pump. The specification discloses that, when the flow rate has stabilized at an acceptable level, the system returns from the Back Off Response Mode to the Flow Servo Mode, “with the backed-off flow rate becoming the new setpoint of the Flow Servo Mode.” Thus, in this situation, the “operating parameter” is the flow rate and the specification discloses that a new setpoint for the flow rate is established as a result of the reduced speed set during the Back Off Response Mode.

Similarly, as recited in claim 38, the "operating parameter" can be fluid pressure. On page 39, paragraph 00143, the specification describes how the Back Off Response Mode operates in conjunction with the Pressure Servo Mode, such that when the system returns from the Back Off Response Mode, a new setpoint has been established for the Pressure Servo Mode, based on the reduced speed.

It is respectfully submitted that each of these portions of the specification provides a written description of the claim recitation "establishing a new setpoint for said operating parameter that corresponds to the reduced speed." While this exact phrase may not appear in the specification, it is respectfully submitted that the first paragraph of 35 U.S.C. §112 does not require the language of the claims to appear verbatim in the specification. See MPEP §2163. Rather, the standard is whether a person of ordinary skill in the art would recognize that the written description of the invention provides support for the claims. Based upon the passages identified above, it is respectfully submitted that this standard is met.

Reconsideration and withdrawal of the rejection is respectfully requested. If the rejection is not withdrawn, the Examiner is respectfully requested to explain why the passages identified above are not considered to provide an adequate written description of the claimed subject matter.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 30, 2004

By: \_\_\_\_\_



James A. LaBarre

Registration No. 28,632

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620